

Law; Professor Ralph Stein, Pace University School of Law; Professor Robert Benson, Loyola Law School; Professor Elwood Hain, Whittier Law School; Professor Ann Freedman, Rutgers Law School, and Professor William Rich, Washburn University School of Law.

Why? Why are all of these prominent scholars in agreement with this approach? Because it represents a common sense, middle ground approach around which the Senate can coalesce. That's the heart of compromise—some feel the amendment doesn't go far enough, some wouldn't go as far. But this amendment would take substantial steps toward providing accountability in an exploding and currently unaccountable area of campaigning, and it would take steps toward abating some of the valid concerns raised about the use of union dues and shareholder monies for political purposes.

Madam President, we've come to the bottom line here. Either we vote to keep the system as it is—either we vote to continue to allow hundreds of millions of dollars to be spent to influence federal elections without one dime having to be disclosed—or we take a tangible, incremental step toward addressing these abuses.

A vote against this amendment is a vote against disclosure—and a vote for secrecy. A vote against this amendment is a vote against the public's right to know who is pouring millions into influencing our elections, and a vote for keeping America in the dark. A vote against this amendment is a vote against putting electioneering ads back into the hands of individuals and a vote for the involuntary use of union dues and shareholder monies for blatant political ads.

Madam President, groups spent \$150 million or more—we don't know because there is no accountability for these ads—to influence the 1996 elections. That's about one-third of what all federal candidates spent on advertising. This is a massive force invading our system of elections in this country, flying under the radar screen of disclosure or any other accountability. And it's only going to get worse.

All we are saying is, let's have some disclosure for these ads, let's give the public information they need in order to make informed decisions, and let's fund these ads with voluntary, individual contributions. That's not an infringement on free speech. That is bringing the facts about elections in America out of the shadows and into the light of debate and discourse.

I hope my colleagues will join me in supporting this sensible, incremental approach that will advance the ball for campaign reform. Because frankly, if you can't support this—if you can't support disclosure—I don't know what kind of reform you can support. And the American people will be watching. The American people will be watching, and they will remember who is truly interested in working to restore America's faith in their elections—and they

will remember, too, who are the doorkeepers of the status quo.

I again thank Senators JEFFORDS, MCCAIN, FEINGOLD, as well as all of my distinguished colleagues who have joined me in this effort. We are in the majority in this body and I hope after the tabling vote we will be able to have a true up-or-down vote on our amendment.

Madam President, and Members of the Senate, in the final analysis, what the Snowe-Jeffords amendment is all about is disclosure. We have heard a lot of issues here today. We have heard a lot about Supreme Court cases and constitutionality and infringement on the first amendment rights of freedom of speech.

There is nothing in the Snowe-Jeffords amendment that will restrict freedom of speech. Anybody, anytime, can run any ad. The question is whether or not the public will have the right to know who is sponsoring and financing those ads. Even then the threshold is high for disclosure—\$500 or more in donation.

I suspect that when Congress was debating the sunshine laws and the right-to-know laws and opening up all of the meetings in the U.S. Congress that we had pretty much the very same debate.

A vote against the Snowe-Jeffords amendment is a vote for secrecy. A vote against the Snowe-Jeffords amendment is a vote for the lack of accountability. We don't want to be the doorkeepers of the status quo for a system that has been shrouded in secrecy by the very fact that we have \$150 million spent in elections. In this last election, not one dime has been disclosed. Not one dime. We have heard about editorials and newspaper and the print media being excluded. Does anybody think for one moment that that is where the money is put? Absolutely not.

We have \$550 million total that goes into candidate advertising. And a third of that is not disclosed. That is the issue.

It is whether or not you are for secrecy, or the public's right to know who is supporting those ads. That is what it is all about.

We have heard about issue advocacy. I think the body should look at what we are talking about. We are talking about issue advocacy versus stealth advocacy.

I ask unanimous consent for additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. An issue ad that talks about the issues doesn't identify a candidate.

This chart demonstrates the stealth advocacy that we are talking about that is not disclosed—that talks about individual candidates 60 days before election. And this one would run 60 days before the election naming the candidate. It says, he is just another Washington politician. He has taken over \$250,000 from corporate special in-

terest groups. He listens to them but he is not listening to us anymore.

No one knows who sponsored that ad. That is what this is all about—whether or not the public will have the right to know who is financing these ads.

The PRESIDING OFFICER. The Senator from Kentucky has 1 minute and 46 seconds remaining.

Mr. MCCONNELL. I yield the remainder of my time, and I move to table the Snowe-Jeffords amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### CANCELLATION DISAPPROVAL ACT—VETO

The Senate continued with the consideration of the veto message to accompany H.R. 2631.

The PRESIDING OFFICER. Under the previous order, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 78, nays 20, as follows:

[Rollcall Vote No. 13 Leg.]

#### YEAS—78

Akaka	Enzi	McConnell
Allard	Faircloth	Mikulski
Baucus	Feinstein	Moseley-Braun
Bennett	Ford	Moynihan
Biden	Frist	Murkowski
Bingaman	Glenn	Murray
Bond	Gorton	Nickles
Boxer	Graham	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Roberts
Bryan	Hatch	Rockefeller
Burns	Helms	Roth
Byrd	Hollings	Santorum
Campbell	Hutchison	Sarbanes
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kerry	Snowe
Coverdell	Lautenberg	Specter
Craig	Leahy	Stevens
D'Amato	Levin	Thomas
DeWine	Lieberman	Thompson
Domenici	Lott	Thurmond
Dorgan	Lugar	Torricelli
Durbin	Mack	Warner

#### NAYS—20

Abraham	Gramm	Kyl
Ashcroft	Grams	Landrieu
Bumpers	Grassley	McCain
Coats	Hutchinson	Robb
Daschle	Johnson	Wellstone
Dodd	Kerrey	Wyden
Feingold	Kohl	

NOT VOTING—2

Harkin

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 78, the nays are 20. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

## PAYCHECK PROTECTION ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 1647

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment offered by the Senator from Maine. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. FEINSTEIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "no."

The result was announced—yeas 47, nays 50, as follows:

(Rollcall Vote No. 14 Leg.)

## YEAS—47

Abraham	Faircloth	Lugar
Allard	Frist	Mack
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Helms	Smith (NH)
Coverdell	Hutchinson	Smith (OR)
Craig	Hutchison	Stevens
D'Amato	Inhofe	Thomas
DeWine	Kempthorne	Thurmond
Domenici	Kyl	Warner
Enzi	Lott	

## NAYS—50

Akaka	Feingold	Mikulski
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Jeffords	Robb
Bumpers	Johnson	Rockefeller
Byrd	Kerrey	Roth
Chafee	Kerry	Sarbanes
Cleland	Kohl	Snowe
Collins	Landrieu	Specter
Conrad	Lautenberg	Thompson
Daschle	Leahy	Torricelli
Dodd	Levin	Wellstone
Dorgan	Lieberman	Wyden
Durbin	McCain	

NOT VOTING—3

Feinstein

Harkin

Kennedy

The motion to lay on the table the amendment (No. 1647) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1648 WITHDRAWN

Mr. LOTT. Mr. President, I now withdraw amendment No. 1648.

The PRESIDING OFFICER (Mr. STEVENS). The Senator has that right. The amendment is withdrawn.

Amendment No. 1648 was withdrawn.

AMENDMENT NO. 1647

Mr. LOTT. I ask unanimous consent the Senate now proceed to the question with respect to the Snowe amendment.

The PRESIDING OFFICER. The question is on agreeing to the Snowe amendment.

The amendment (No. 1647) was agreed to.

AMENDMENT NO. 1674 TO AMENDMENT NO. 1646, AS AMENDED

(Purpose: To prohibit new welfare for politicians)

Mr. LOTT. I now ask unanimous consent it be in order for me to send an amendment to the desk to the pending McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1674 to amendment No. 1646, as amended.

Mr. LOTT. I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is as follows:

**SECTION 600. ELECTIONEERING COMMUNICATIONS.**

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communication Act of 1934.

**SECTION 601. SEVERABILITY.**

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

Mr. LOTT. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1675 TO AMENDMENT NO. 1674

(Purpose: To prohibit new welfare for politicians)

Mr. LOTT. I ask unanimous consent it be in order now for me to send an amendment to the desk.

Mr. DASCHLE. Reserving the right to object, would the majority leader be able to describe the first amendment and the second amendment?

Mr. LOTT. Thank you for making that inquiry. Let me explain it to the Members.

What we have done here is to accept the Snowe amendment as was offered

and debated this afternoon to the McCain amendment. Her amendment was a second-degree amendment to the McCain-Feingold amendment. That was accepted.

We now propose to go to a vote on the McCain-Feingold amendment, as amended. It would be a motion to table.

Mr. DASCHLE. So the majority leader has offered two amendments to the pending amendment?

Mr. LOTT. Both FEC language amendments.

What is pending is McCain-Feingold, as amended by Snowe. We would have a vote on that, as amended.

Mr. DASCHLE. I thank you for the explanation.

Mr. MCCAIN. Reserving the right to object, I will not object. I believe this is a good thing to have the Snowe-Jeffords amendment incorporated in McCain-Feingold. I appreciate the majority leader doing that.

Mr. LOTT. Mr. President, I send the second amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1675 to amendment No. 1674.

The text of the amendment is as follows:

**600. ELECTIONEERING COMMUNICATIONS.**

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communication Act of 1934.

(b) EFFECTIVE DATE.—This section shall take effect ten days after enactment of this Act.

**SECTION 601. SEVERABILITY.**

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

Mr. DASCHLE. Parliamentary inquiry. There are still some questions as to what we are about to vote on. Let me state it, and I would appreciate it if the Presiding Officer could clarify whether or not my understanding is correct.

We are about to vote on tabling the McCain-Feingold amendment as modified by the Snowe amendment; is that correct?

Mr. LOTT. That is correct. That is amendment No. 1646.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. MCCONNELL. Mr. President, I move to table the amendment number 1646, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.